June 2015

## Volume 4 Issue 4



# The UCLS Newsletter

TROPACTOR SOCIETA



The UCLS Newsletter is published monthly by the

**Utah Council of Land Surveyors** PO Box 1032 Salt Lake City, UT 84110

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"Cursed be he that removeth his neighbor's landmark. And all the people shall say, Amen." Job 24:2

## Where is it?



This life-size statue represents an act of surveying - but can you identify where it is and what it represents? Be the first to respond and correctly identify the sculpture and you become eligible for a free lunch at your next chapter meeting. Answers may be emailed to Susan at srmerrill@ucls.org. The earliest received date and its time of

response will determine the winner.

In This Issue: We introduce you to another outstanding UCLS member and announce several help wanted opportunities. Additionally, we invite you to review the proposed UCLS bylaw changes by visiting our website.

"Who are we?" is an interesting narrative on various titles of the professional land surveyor; DOPL provides us with an investigation and disciplinary action report; and new laws that may affect surveyors are presented. We applaud the success of the Trig-Star program and entertain you with another dastardly deed.

We invite you to share charismatic photos of yourself and/or a coworker, panoramic images of Utah's scenic wonders, or pictures of survey related tools and equipment. Additionally, we need interesting and unique descriptions or survey related stories to share with our membership. Remember, if you do not participate you have no right to complain. Please let us know your thoughts, recommendations, suggestions, or complaints.

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Contributions are encouraged. Articles, Advertisements, Pictures, and Comments may be submitted to UCLS at ucls@ucls.org or uclsforesights@ucls.org

June 2015

#### UCLS Executive Board 2014

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## Administrative Secretary

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DMortensen@bushandgudgell.com

## Getting to Know Our Members

Leon R. Day

## Fairview, Utah

My spouse of 42 years is Lorele Day. We are the parents of two adult children and have four grandchildren. Lorele is a retired schoolteacher (35 years). Lorele was my high school sweetheart (North Sanpete High School).

My hobbies and/or interests include grandchildren, farming, and precast concrete.

I do not wish to retire - I want to work at something as long as my health allows.

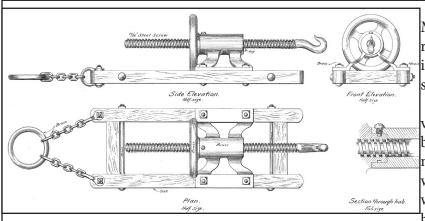
I have been a member of the Utah Council of Land Surveyors since 2005.

I am solo, self-employed, and responsible for everything. If I don't do it, it doesn't happen.

My first paid experience with surveying was working on the Great Salt Lake Pumping Project as a grade setter on the canal. My brother was driving a rock truck and called one day saying one of the subcontractors needed a surveyor. I called and they gave me a try. It took about three days for me to get it going but all went well after that. Being a farm boy with an engineering degree, I was able to handle it myself. I've never had a supervisor as far as surveying goes. I have sought out great mentors who were willing to help me along. The rest was selftaught with lots of online courses from the University of Wyoming and Great Basin College. I have a degree from Utah State in Agricultural and Irrigating Engineering.

I became a surveyor because in 1987 I was broke, needed a job and found one in construction. I liked the work and it just happened from there.

In my opinion, the future of land surveying is applying common law to established boundaries and getting it right; resolving boundary problems instead of agitating them.



## May Newsletter - What is it?

Michael Draper was the first UCLS member to respond and correctly identify the tape stretching devise. Peter Murphy and John Stahl were second and third, respectively.

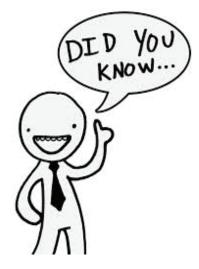
John described it as a "tape stretching device" used in conjunction with the Salt Lake baseline. For some unknown reason, all of the manufactured surveying measurement tapes were short about 0.17 feet for every 400 feet when checked against the baseline (Must have been the altitude.) The device was used to

"calibrate" the tapes to the "Salt Lake Foot" as required by City ordinance. Salt Lake City Engineer William Young approved the Tape Stretching Device in April 1895. It was to be used in making Base Line measurements. Thanks again to Victoria Osterdicky for providing the diagram.

## Did You Know?

76-8-415

Damaging or removing monuments of official surveys. Every person who willfully injures, defaces, or removes any signal, monument, building, or appurtenance thereto, placed, erected, or used by persons engaged in the United States or state survey is guilty of a class B misdemeanor.





**ESI Engineering, Inc.** 3500 South Main Suite 206 Salt Lake City, Utah 84115 Tel: (801) 263-1752 Fax: (801) 263-1780 www.esieng.com

## Professional Land Surveyor Needed

#### RESPONSIBILITIES

ESI Engineering is a full service engineering and land surveying firm looking for a Professional Land Surveyor. Job duties will include managing field personnel, processing raw data to create topographical mapping deliverables, reviewing subdivision plats for technical accuracy and completeness of content, developing boundary and A.L.T.A. surveys and developing legal descriptions and plan sheets for highway right of way acquisition. Working knowledge of Trimble survey equipment and software required.

#### QUALIFICATIONS

- Professional Land Surveyor License
- Minimum of 3 years party chief experience and Minimum 3 years office experience
- Ability to coordinate between field and office personnel
- Ability to direct and support field crew in topographic, boundary and construction surveys
- Ability to process raw field data to create topographical mapping and surfaces using CADD software
- Working knowledge of the principles and practices of boundary determination
- Ability to produce finished boundary and A.L.T.A. surveys using CADD software
- D.O.T. or right of way experience a plus

#### COMPENSATION

Salary range from \$65,000 to \$75,000 - depending on experience. Health insurance available. ESI will pay 90% of premiums.

## **HELP WANTED**

The Utah Council of Land Surveyors has opportunities for members to be active in our profession by volunteering for a variety of tasks and programs. Different programs require a different level of commitment varying from short to long terms. Each of these activities offers members a chance to learn, network, and grow in the profession, while helping the organization grow and flourish. One of the opportunities for member involvement is writing Professional Articles and Opinions. Articles written by society members make publications such as the Foresight, Newsletter, and the UCLS website more interesting and valuable to surveyors. Those who volunteer to submit an article in the Foresight or update a webpage need not be professional authors or editors. Surveyors writing articles for Surveyors have been some of the best material published by the UCLS. Whether it is a single paragraph opinion or a six-page article, UCLS will publish all appropriate material where it best serves the public and the profession.

To get involved, contact Susan at <u>srmerrill@ucls.org</u> or by calling her at 801-964-6192.

Don

## **Book Cliffs Chapter Meeting**

WHEN: June 5, 2015 - 6:00 p.m to 8:00 p.mWHERE: Studio 6 Motel Conference Room located at 52 South 500 West in DuchesneTOPIC: "Fences, and your experience with them relative to boundary lines."This will be an open discussion so please bring experiences and ideas to share.

## **Color Country Chapter Meeting**

WHO: Sean Fernandez - State Cadastral Surveyor/Division Manager
WHAT: TURN GPS Network & PLSS Corner Management Web Application
WHEN: Wednesday June 17, 2015 - 11:30-1:00
WHERE: Golden Corral, St. George, 42 South River Road
Cost: \$10.00

## Salt Lake Chapter Meeting

WHEN: May 28, 2015 -12:00 Noon
 WHO: Bill Rowley, National Title Agency
 TOPIC: Know Your Clients Expectations Up-Front With ALTA/ACSM Surveys or
 How to Better Meet Your Clients Needs
 WHERE: Joe Morley's Smoked Beef, 100 W Center Street, Midvale, UT
 COST: \$10.00

## Wasatch County Land Survey Monument contributed by Spencer Llewelyn How good is good?



REVIEW THE PROPOSED AMENDED AND RESTATED BYLAWS OF THE UTAH COUNCIL OF LAND SURVEYORS FOUND ON THE UCLS WEBSITE UNDER ANNOUNCEMENTS. PLEASE FORWARD ANY COMMENTS TO A MEMBER OF THE UCLS EXECUTIVE BOARD.

> Interesting Fact Question: How many square feet are there in an acre? Answer: 43,560 But here's something you may not have known:

Write down any 3 different numbers (no zeros). Reverse their order. Subtract the smaller from the larger. Take this result and reverse its order. Add the two numbers. Multiply the sum by 40. The result will always be 43,560 - the number of square feet in one acre! Why?

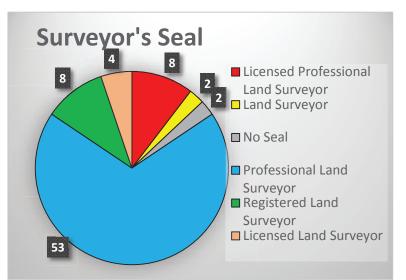
Example:

674-476=198 198+891=1089 1089 x 40=43,560

## WHO ARE WE?

Do you know what you are? Do you know what the title of your profession is? Do you know if the Surveyor's certification and Surveyor's seal should contain similar language?

Based upon the Record of Survey plats filed in the Salt Lake County Surveyor's Office in 2014, the answer is probably not! They received 731 plats of which 215 were ALTA/ACSM surveys - leaving 516 boundary survey plats. Additionally, 74 different surveyors contributed to the submission of these plats.



## In the Surveyor's Certificate, the

surveyors of record inconsistently identified themselves as a either a Registered Professional Land Surveyor; Licensed Professional Surveyor; Licensed Land Surveyor; Registered Land Surveyor; Professional Land Surveyor; or No Certificate.

Within the Surveyor's Seal, the surveyor of record erratically used the title of Licensed Professional Land Surveyor; Land Surveyor; Professional Land Surveyor; Registered Land Surveyor; Licensed Land Surveyor; or was simply lacking a seal.

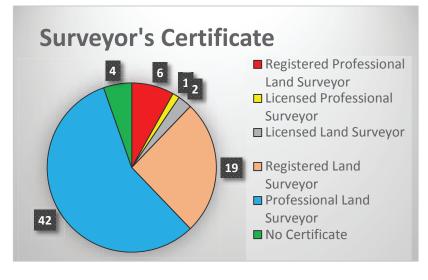
The Utah Division of Occupational and Professional Licensing (DOPL) provide very clear and concise instructions on who we are and what title we should use.

## **PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS LICENSING ACT 58-22-102. Definitions.**

(12) "*Professional land surveyor*" means an individual licensed under this chapter as a professional land surveyor.

## 58-22-301. License required - License classifications.

- 1. A license is required to engage in the practice of professional land surveying.
- 2. The division shall issue licenses to individuals qualified under the provisions of this chapter in the following classifications:
  - (a) professional engineer;
  - (b) professional structural engineer; and
  - (c) *professional land surveyor*.



### PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS LICENSING ACT RULE R156-22-601. Seal Requirements.

 In accordance with Section 58-22-601, all final plans, specifications, reports, maps, sketches, surveys, drawings, documents and plats prepared by the licensee or prepared under the supervision of the licensee, shall be sealed in accordance with the following:

 (a) Each seal shall be a circular seal, 1-1/2 inches minimum diameter.
 (b) Each seal shall include the licensee's name, license number, "State of Utah," and "Professional Engineer," "Professional Structural Engineer," or "<u>Professional Land</u> <u>Surveyor</u>" as appropriate.

## **Department of Commerce:**

Professional Engineers and Professional Land Surveyors Licensing Board INVESTIGATIVE COMPLAINTS AND FINDINGS - As of May 19, 2015

1. A licensed Utah Engineer, living in another State, was sanctioned in the State of Oregon for violating the rules of conduct regarding engineering of significant structures and practicing engineering without a license by the State of Oregon and sanctioned by the State of Colorado for the violation in Oregon.

a. The investigation substantiated the allegations and a letter of concern was sent in order to address Division concerns, allega tions upon which those concerns are based, and the potential for administrative or judicial action should the conduct continue in the State of Utah.

2. Allegation of an individual who indicated on an application stating he is the "Consulting Engineer". The investigation found the individual is not licensed in the State of Utah as a Professional Engineer and a citation was issued.

a. Further investigation found this incident is and exemption under Utah Law. The citation was dismissed 3. An individual and his neighbor were engaged in a property boundary dispute regarding a cinder block wall resulted in a small claims case. The individual prepared and submitted an affidavit as evident in the small claims case. The submitted affidavit, describes the work performed by the individual to establish a property boundary.

a. A citation was issued and affirmed by the presiding Hearing Officer.4. Allegation of a licensed Engineer doing Surveying work. Investigation found the Engineer was acting as a Surveyor by drawing in easements and writing legal descriptions.

a. A citation was issued and affirmed by the presiding Hearing Officer.

5. Allegation of a Surveyor that did not place markers on the ground for a survey. Investigation found the survey was done for a different client other than the complainant and markers were placed on the ground.

a. The investigation was closed due to insufficient evidence.

6. A licensed land surveyor in the State of Utah conducted an incompetent/negligent land survey. The investigation substantiated that there had been a problem with the survey.

a. The conduct was addressed and corrected, and the individual surrendered his Professional Land Surveyor license. 7. The Division received a complaint that an individual was using the abbreviation/initials "PE" on his email correspondence, and engaging in the practice of engineering in the State of Utah when not licensed to do so. The investigation determined that the individual is in fact a licensed PE in the State of Arizona and has the word "(Arizona)" after PE, on his emails. A citation was issued to the individual for using the initials "PE" and engaging in the practice of engineering in the State of Utah. The individual denied the citation and requested a hearing. The hearing officer did not uphold the citation and indicated as long as the individual was showing he was licensed in Arizona and not doing work in Utah, there is no violation.

a. The citation was dismissed.

8. A licensed Utah Land Surveyor was performing deficient surveying on water rights issues. The parties involved were unwilling to participate or provide the investigation with the necessary documents to substantiate the allegations.

a. This case was closed due to the lack of evidence.

9. Allegation of an Engineer submitting deficient plans and negligent conduct in his practice. The investigation found the codes used on plans submitted to a building official were outdated and newer codes should have been used. However, it is still unknown if the newer code changes had currently been adopted by the State of Utah.

a. A verbal warning was issued.



Did You Know? That the Internet was originally called ARPANet (Advanced Research Projects Agency Network) designed by the US department of defense? Did you also know that http: stands for Hyper Text Transfer Protocol? Aren't you glad that you know that now?

## **LEGISLATION BILLS - 2015 GENERAL SESSION**

SB 264	SURVEY MONUMENTS REPLACEMENT	17-23-14	establishes and amends state survey monument
SB 258	STREET-LEGAL ALL-TERRAIN VEHICLE	41-6a-1509	amends provisions related to all-terrain vehicles
SB 272	PAYMENT OF WAGES AMENDMENTS	34-28-5	modifies provisions relating to the payment of wages
SB 188	OIL, GAS, AND MINING AMENDMENTS	40-6-6	amends provisions relating to drilling units
SB 193	LOCAL GOVERNMENT AMENDMENTS	11-42-202	amends provisions related to an assessment area, a local district, and a special district
SB 196	MATH COMPETENCY INITIATIVE	53A-1-1201	public school mathematics competency standards
SB 199	LOCAL GOVERNMENT REVISIONS	10-1-104	enacts provisions related to local government
SB 206	UTAH REVISED BUSINESS CORPORATION ACT	16-10a-301	modifies the Utah Revised Business Corporation Act to address the purposes and powers of a corporation
SB 121	PROCUREMENT CODE REVISIONS	63G-6a-403	modifies the Utah Procurement Code relating to work site safety programs
SB 124	LAND USE AMENDMENTS	10-9a-103	amends municipal and county land use provisions
SB 136	STATUTE OF LIMITATIONS FOR CRIMINAL FINES FEES, AND RESTITUTION	76-3-201.1	provides that criminal fines, fees, and restitution payments never expire
SB 143	TITLE AND ESCROW MODIFICATIONS	31A-1-301	modifies the Insurance Code to address issues related to title and escrow insurance
SB 157	GOVERNMENT RECORDS AMENDMENTS	13-15-3	modifies provisions relating to government records
SB 95	TOWN AMENDMENTS	10-2-127	amends town incorporation provisions
SB 111	OCCUPATIONAL SAFETY AND HEALTH REGULATION	34A-6-201	modifies the Utah Occupational Safety and Health Act relating to the duties of employers and employees
SB 40	WATER LAW - APPLICATION WITHDRAWAL	73-3-6	authorizes an individual to withdraw an application for the use of water
SB 63	WORKERS' COMPENSATION FUND AMENDMENTS	31A-33-101	modifies the Insurance Code to address the Workers' Compensation Fund
SB 66	UNAUTHORIZED ACTIVITY ON STATE LAND	65A-3-1	prohibits certain activities on state land
SB 68	EMINENT DOMAIN AMENDMENTS	72-5-111	amends provisions to the disposal of surplus property
HB 420	REVISIONS TO TRANSPORTATION FUND	41-1a-1222	modifies provisions relating to transportation funding
HB 352	TITLE INSURANCE REPORTING AND ASSESSMENT AMENDMENTS	31A-19a-209	amends the Insurance Code related to title insurance reporting
HB 378	WHITE COLLAR CRIME REGISTRY	76-8-504.6	modifies the Utah Code to include a registry for persons who commit specified white collar crimes
HB 401	STATUTE OF LIMITATIONS MODIFICATIONS	78B-2-118	actions against the federal government regarding real property are subject to the federal Quiet Title Act.
HB 296	GOVERNMENT USE OF UNMANNED AERIAL VEHICLES	63G-18-102	amends the provisions of Title 63G, Chapter 18, Government Use of Unmanned Aerial Vehicles Act
HB 299	ATTORNEYS LIEN AMENDMENTS	38-2-7	modifies provisions relating to attorney's liens
HB 302	TRAFFIC SAFETY LIGHTS ON VEHICLES	41-6a-1616	modifies the Traffic Code by amending provisions relating to lighting requirements on vehicles
HB 303	LEGISLATIVE APPROVAL OF LAND TRANSFERS	63L-2-201	describes the procedure for selling or exchanging governmentally controlled land
HB 338	RESOLVING GOVERNMENT RECORD DISPUTES	678-3-1	modifies provisions related to a process for resolving disputes concerning government records
HB 227	REAL ESTATE AMENDMENTS	61-2c-102	amends provisions relating to real estate
HB 238	LICENSE PLATE OBSTRUCTION AMENDMENTS	41-1a-404	modifies the Motor Vehicle Act by amending license plate display
HB 245	INCORPORATION FOR CITIES AND TOWNS	10-2-131	amends the city and town incorporation code
HB 192	PROPERTY RIGHTS OMBUDSMAN	13-43-203	enacts language to the Property Rights Ombudsman
HB 193	EDUCATION FOR GENERAL CONTRACTOR	58-55-302.5	modifies the Utah Construction Trades Licensing Act
HB 420	ANNEXATION AMENDMENTS	10-2-402	amends provisions governing the annexation of an unincorporated area
HB 46	MECHANICS LIEN REVISIONS	38-1a-308	amends provisions to unauthorized and excessive claims of preconstruction and construction liens
HB 79	SAFETY BELT LAW AMENDMENTS	41-6a-1803	modifies the Traffic Code by amending provisions relating to safety belt restraints

## Three Surveyors Go Fishing

They load up early one morning and head out in a nice boat with private sleeping quarters. They decide to spend one night on the boat and not return until the next morning. They also decide that no matter how many fish they catch, or who catches the most, they will just divvy up the catch evenly by splitting it three ways. Fishing is good that day and all three surveyors catch fish and toss them into a community cooler without keeping track of the number of fish caught.

The boat returns to the dock that evening and the surveyors settle in for the night.

Surveyor Mark starts feeling seasick and decides that he cannot spend the night on the boat. He does not want to disturb his sleeping companions, so he gets up quietly and prepares to go home. Mark goes to the cooler and counts the fish. He discovers that the number of fish is not evenly divisible by three and that there would be one left over. Wanting to be fair to his fellow surveyors, he grabs one of the fish and tosses is overboard. Now the remaining number of fish is evenly divisible by three. He takes his one-third share and goes home, leaving the remaining 2/3 of the fish behind for his two companions.

Surveyor Bob suddenly gets a text message telling him he is needed ASAP at a Planning Board meeting that is suddenly going south. Bob jumps up, dresses quietly, and goes to the cooler to get his share of the fish - not knowing that Mark has already taken his share. Bob counts the fish and discovers that they are not equally divisible by three but will have one left over. Bob grabs a fish and throws it overboard, leaving the remaining number equally divisible by three. He takes his 1/3 of the fish and hurries off to his Planning Board meeting, leaving 2/3 behind for his fellow surveyors.

The next morning, Surveyor Roscoe wakes up- not realizing that Mark and Bob left the night before. Wanting to let the lazy surveyors sleep in, Roscoe quietly goes to the cooler and counts the fish. Roscoe determines that when three divides the number of fish in the cooler, a single fish will remain unclaimed. Therefore, Roscoe throws the one fish overboard, leaving an equally divisible by three number of fish in the cooler. Roscoe takes his 1/3 and goes home leaving 2/3 of the fish behind for Surveyors Mark and Bob.

So, ponder this.....what is the least (smallest) number possible of total fish caught? For bonus points, how many fish did Mark get, how many did Bob get, and how many did Roscoe take home?

## Ponder This - Answer

Twenty-five is the smallest possible number of fish caught. When Surveyor Mark threw one away, it left twentyfour, which are equally divisible by three, and each surveyor would have been entitled to eight fish. Mark took his eight fish and went home, leaving 16 fish behind. Surveyor Bob threw one fish away, leaving 15 fish, which would entitle each surveyor to five fish. Bob took his five fish and went to his ugly Planning Board meeting, leaving 10 fish behind. Roscoe threw away one fish, leaving 9, so Roscoe went home with 3 fish.

## All,

At the SLCC PAC meeting last Thursday I invited all in attendance to visit the Trig-Star page on the UCLS Web site to see a program about reaching out to High School Students and letting them know about our profession. See the link below:

## https://ucls.memberclicks.net/trig-star

Monday I went to Clearfield High School and ran the contest in one of the classrooms after school. There were 9 individuals that participated in the contest, but there were approximately 90-100 students exposed to our profession in several classroom settings over this past month.

One of our Sponsors in Hurricane usually gets in front of over 300 students each year presenting our profession using the YouTube video on the above website and other aids.

Thank you for your interest,

Brad T. Mortensen, PE, PLS UDOT - Region Three Headquarters <u>bradmortensen@utah.gov</u> 801.222.3432

## **TRIG-STAR PROGRESS**

Dastardly Deed	Ent 199506 Bk 889 Pg 1252				
· · · · · · · · · · · · · · · · · · ·	Date 21-Apr-2004 10:24AM   Fee \$0.00 LuAnn Adams - Filed By mm				
Contributed by	Box Elder Co., UT				
David Strong, PLS	For BOX ELDER COUNTY				
	08-067-0019				
QUIT-CLAIM DEED					
BOX ELDER COUNTY					
Of BRIGHAM CITY,	County of BOX ELDED COUNTY State				
QUIT-CLAIM TO	County of BOX ELDER COUNTY, State of Utah, hereby				
<ul> <li>and the state of t</li></ul>					
LYNN R. WELCHMAN					
RAY E. WELCHMAN					
	Grantee				
of 3343 W. 5600 S. ROY, UTAH 84067 for the sum					
ONE DOLLAR (\$1.00) DOLLARS,					
the following described tract of land in State of Utah: BOX ELDERCounty,					
ONE SQ FT IN THE NW COR OF THE N 4.5 ACRES OF THE FOLLOWING: W/2 OF SE/4 OF NW/4 OF SW/4 OF SEC 2, TWP 14N, R12W, SLM.					
WITNESS the hand of said granto	or, this day of				
A.D. Two Thous					
Suzanne R. Rees Chairperson					
COUNTY COMMISSION					
STATE OF UTAH,					
County of } ss					
· · · · · · · · · · · · · · · · · · ·	4				
On the 20th day of April A.D. Two Thousand					
and 04. Suzunne R. Reespersonally appeared before me that He Shelsigner					
of the foregoing instrument, who d	uly acknowledge to me that <u>She</u> executed the same.				
My commission expires $3 - 3 - 0$	8 D. Den Call				
	D ILENE CALL				
	OI S MAIN				
	My Comm. Exp. 03/03/2008				
and a second					